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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,849	04/30/2001	Kathleen M. Moriarty	64860/RSM/KJB	2748

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08/09/2005

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EXAMINER

PHILLIPS, HASSAN A

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,849

Applicant(s)

MORIARTY, KATHLEEN M.

Examiner

Hassan Phillips

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12,13 and 15-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-10,12,13,15-18 and 21-24 is/are allowed.
- 6) ☒ Claim(s) 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the request for continued examination, amendments, and remarks filed on May 25, 2005.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 25, 2005, has been entered.

Response to Arguments

3. Applicant's arguments filed May 25, 2005 have been fully considered but they are not persuasive. Applicant argued that: Vange fails to show or suggest that the predetermined period of time during which the selected information is stored is different from a period of time for which the selected information of the response is stored when the destination address of the information query is an address other than one of the plurality of predetermined addresses as recited in claim 19 of the present application.

Examiner respectfully disagrees.

Regarding Applicant's arguments, Examiner submits that a period of time for storing information being different from a predetermined period of time for storing

different information, is a field of use limitation and not of patentable distinction.

Furthermore, Vange teaches using a cache to store IP address mapping information for future use (page 5, paragraph 54). Examiner asserts the combined teachings of Vange and Lamberton provide a means for the predetermined period of time during which the selected information is stored to be different from a period of time for which the selected information of the response is stored when the destination address of the information query is an address other than one of the plurality of predetermined addresses.

Accordingly the references supplied by the examiner in the previous office action covers the claimed limitations. The rejections are thus sustained. Applicant is requested to review the prior art of record for further consideration.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19, 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamberton in view of Vange et al. (hereinafter Vange), U.S. Patent Pub. No. 2002/0002686.

6. In considering claim 19, Lamberton teaches a method of gathering information about a connection between a sender and a recipient in a network comprising the steps of:

- a) Generating an information query by the sender, sending the information query to the recipient (730), receiving the information query at a border device (720) of the recipient, processing the information query at the border device according to a plurality of predetermined rules, wherein the predetermined rules provide for one of: providing selected information requested by the information query in a response to be sent to the sender; discarding the information query; and passing the information query through the border device to the recipient for response, (page 2, paragraph 8, also see Fig. 7).

Although the disclosed method of Lamberton shows substantial features of the claimed invention, it fails to expressly disclose:

- a) The sender having a cache for storing at least a portion of the selected information.

Nevertheless, caches were well known in the art at the time of the present invention. In a similar field of endeavor, Vange teaches a method for overcoming denial of service attacks that includes:

- a) Using a cache to store IP address mapping information at client (117), (page 5, paragraph 54).

Thus it would have been obvious to one of ordinary skill in the art to modify the teachings of Lamberton to show the sender having a cache for storing at least a portion of the selected information sent from the border device to the sender, at the sender, for a predetermined period of time when a destination address of the information query corresponds to a predetermined group of addresses stored at the sender, and utilizing the stored selected information from the response whenever an information query is generated including any of the predetermined group of addresses stored at the sender. This would have facilitated communication between the sender and a recipient in the network by reducing the steps normally required for the sender to access the recipient in the network, Vange, page 5, paragraph 54.

7. In considering claim 20, although the disclosed method of Lamberton shows substantial features of the claimed invention, it fails to expressly disclose:

- a) The predetermined addresses being Classless Inter-Domain Routing (CIDR) addresses.

Nevertheless, having the predetermined addresses belong to a group of CIDR addresses is a field of use limitation and not patentable distinction. Also CIDR addressing was well known in the art at the time of the present invention. Furthermore, in a similar field of endeavor, Vange teaches a method for overcoming denial of service attacks that includes:

- a) Resolving requested domain names in a conventional manner, (page 5, paragraph 55).

Thus it would have been obvious to one of ordinary skill in the art to modify the teachings of Lamberton to show the plurality of predetermined addresses belonging to a group of CIDR addresses. This would have provided a well-known method for using Internet address space more efficiently by allowing the assignment of IP addresses in multiple contiguous blocks.

Allowable Subject Matter

8. In light of Applicants amendments and remarks, claims 1, 3-10, 12,13, 15-18, 21-24, are allowed. The references in the Applicants IDS and the prior art, cited by the Examiner, failed to explicitly teach all the limitations recited in the claims. Specifically, the prior art of record failed to explicitly teach a method or device that processes an information query at a border device to provide selected information in response to an information query to a sender, the selected information including address identification information that is different than that of the border device, and different than that of the sender. Furthermore, modifying the prior art to teach all of the limitations recited in the claims would not have been obvious to a person of ordinary skill in the art at the time of the present invention.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shoettger, U.S. Patent Pub. No. 2002/0069366, discloses a border device (130) that provides selected information in response to an information query to a sender (110), the selected information including address identification information of the border device, (page 4, paragraph 31).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/
8/2/05


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER